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Attorneys for the  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

MICHAEL DICKENS,  
Defendant.

CASE NO. 1:20-cr-219 JLT-SKO

STIPULATION TO VACATE TRIAL  
DATE AND SET STATUS  
CONFERENCE; FINDINGS AND  
ORDER

DATE: August 22, 2023  
TIME: 8:30 a.m.  
JUDGE: Hon. Jennifer L. Thurston

**STIPULATION**

The United States of America, by and through its counsel of record, and defendant, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for trial on August 22, 2023 at 8:30 a.m.
2. By this stipulation, the parties now move to vacate the trial date and set the matter for status conference as to defendant Michael Dickens for **September 6, 2023, at 1:00 p.m.** before Judge Oberto, and to exclude time between the date of this stipulation and September 6, 2023 under 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).
3. The parties agree and stipulate, and request that the Court find the following:
  - a. At the time the trial date in this case was set, defendant Dickens was represented by

1 defense counsel who has since withdrawn from the case and retired from the practice of law.

2 Dickens has since retained new defense counsel who filed an appearance in this case on or about  
3 June 27, 2023. Defense counsel has been in a state court trial for the past few months. Defense  
4 counsel needs additional time to receive and/or review discovery, communicate with their client and  
5 conduct further investigation before deciding whether to pursue case resolution or trial.

6 c. By previous Court order, time was excluded under the Speedy Trial Act, 18 U.S.C. §  
7 3161, et seq., through and including August 22, 2023 for *inter alia* trial preparation. In an  
8 abundance of caution, the parties also request that time be excluded under the Speedy Trial Act, 18  
9 U.S.C. § 3161, et seq., from the date of this stipulation through and including September 6, 2023, to  
10 allow the defendant to continue to consult with counsel, to review discovery, and conduct further  
11 investigation.  
12

13 d. Counsel for defendant believes that failure to grant the above-requested  
14 continuance/time exclusion would deny him the reasonable time necessary for effective preparation,  
15 taking into account the exercise of due diligence.  
16

17 e. The government does not object to, and agrees to, the continuance/time exclusion.

18 f. Based on the above-stated findings, the ends of justice served by continuing the case  
19 as requested outweigh the interest of the public and the defendant in a trial within the original date  
20 prescribed by the Speedy Trial Act.

21 g. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et  
22 seq., within which trial must commence, the time period of the date of this stipulation to September  
23 6, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(7)(A) and  
24 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at defendant's  
25 request on the basis of the Court's finding that the ends of justice served by taking such action  
26 outweigh the best interest of the public and the defendant in a speedy trial.  
27  
28

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

DATED: July 13, 2023

/s/Mark A. Broughton  
MARK A. BROUGHTON  
Counsel for Defendant  
MICHAEL DICKENS

DATED: July 13, 2023

/s/ Henry Z. Carbajal III  
HENRY Z. CARBAJAL III  
Assistant United States Attorney

**ORDER**

IT IS SO FOUND. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of the date of this stipulation to September 6, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. At the request of the parties, the August 22, 2023 trial date and all other corresponding Court dates in the above case are **VACATED**.

IT IS SO ORDERED.

Dated: **July 15, 2023**

  
UNITED STATES DISTRICT JUDGE